

REMARKS

This is in response to the Office Action dated June 15, 2006. In the Office Action, claims 1-20 were rejected. With this Amendment, claims 1 and 12 are amended. It is respectfully submitted that all pending claims are in condition for allowance.

Claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bares (U.S. 6,299,207) in view of Sauermann (U.S. 6,557,893). It is respectfully submitted that amended independent claims 1 and 12 are in condition for allowance.

On page two of the Office Action, the Examiner states that "Bares does not disclose that the mounting bracket is attached to or coupled to a portion of the operator seat. However, Sauermann does disclose an armrest (2) that is attached to or coupled to a portion of an operator seat (3) via support (8)." The Examiner further states that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Bares in view of the teachings of Sauermann to attach the mounting bracket to the operator seat via a support so the armrest can be simultaneously adjusted with the seat."

It is respectfully submitted that the combination of references fail to teach or suggest all of the claim elements of independent claims 1 and 12. First, restraining device (2) of Sauermann is not an armrest. As is clearly illustrated in FIGS. 1 and 4 of Sauermann, restraining device (2) is positioned at the top of driver's seat (3) near where a driver's shoulders would be positioned. In such a position, no driver could utilize restraining device (2) as an armrest. Therefore, the combination of cited references fail to teach or suggest "a mounting bracket attached to the operator seat and an armrest pivotally coupled to the mounting bracket at a pivot point." Furthermore, the combination of cited references fail to teach or suggest "wherein the armrest is positioned on a first side of the operator seat and is actuatable independently of any other armrest positioned on a second side of the operator seat" as claimed in claims 1 and 12. None of the cited references teach such a claim element. The restraining devices of both Bares and Sauermann include two sides that surround the driver in a driver's seat on both sides simultaneously.

It is respectfully submitted that claims 1 and 12 are in condition for allowance based on the above remarks. In addition, it is respectfully submitted that claims 2-11 and 13-20 are also in condition for allowance at least based on their relation to independent claims 1 and 12.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to deposit account No. 23-1123.

Respectfully submitted,

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